

# **EXHIBIT 1**

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 Attorneys for Defendant United Air Lines, Inc

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

	)	Case No. C07-03422 EDL
	)	
	)	<b>DECLARATION OF SCOTT TORPEY</b>
	)	<b>IN SUPPORT OF DEFENDANT</b>
	)	<b>UNITED AIR LINES, INC.'S MOTION</b>
	)	<b>FOR ADMINISTRATIVE RELIEF</b>
ALL NIPPON AIRWAYS COMPANY, LTD	)	<b>TO STRIKE PLAINTIFF ALL</b>
	)	<b>NIPPON AIRWAYS COMPANY,</b>
Plaintiff,	)	<b>LTD.'S MOTION TO COMPEL</b>
	)	<b>DISCOVERY OR FOR AN ORDER</b>
	)	<b>EXTENDING RESPONSE DATE</b>
vs.	)	
	)	
UNITED AIR LINES, INC ,	)	DATE: N/A
	)	TIME: N/A
Defendant.	)	CTRM: San Francisco
	)	JUDGE: Elizabeth D. Laporte

**DECLARATION OF SCOTT TORPEY**

STATE OF MICHIGAN                    )  
   )     SS.  
 COUNTY OF OAKLAND                 )

I, Scott Torpey, being duly sworn according to law, hereby depose and state:

1. I am a partner at the law firm of Jaffe, Raitt, Heuer & Weiss, P.C., located in Southfield Michigan. I am duly licensed and qualified to practice law in California. I represent Defendant United Air Lines, Inc , (“United”) in the above-captioned matter, which All Nippon Airways Company, Ltd , (“ANA”) filed against United on June 28, 2007. I make this Declaration pursuant to Civil L R. 7-11(a) in support of United’s Motion for Administrative Relief to Strike ANA’s Motion to Compel Discovery or for an Order Extending Response Date (the “Motion”).

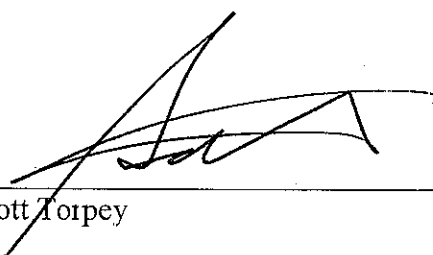
2. My colleague, David S. McDaniel, an associate at the law firm of Jaffe, Raitt, Heuer & Weiss, P.C., informed me that on Monday, February 11, 2008, he spoke to Marshall S. Turner, counsel for ANA, by telephone to request a stipulation for the relief sought in the Motion and that the request was denied.

3. For those items raised by ANA during the January 23 and 24, 2008, meet and confer, the process was working until ANA short-circuited it by unnecessarily filing a motion to compel, as shown by the January 30, 2008 letter of Scott D. Cunningham, co-counsel for ANA, attached as Exhibit I to the Declaration of Marshall S. Turner in Support of Motion of All Nippon Airways Company, Ltd. to Compel Discovery. (Doc. No. 58-11) As indicated in the letter, following the meet and confer, United agreed to produce additional materials related to the Standard Ground Handling Agreement, employment files, the urine sample for Edward Loh, and a flight plan for the subject flight. ANA inexplicably filed its Motion to Compel only two days

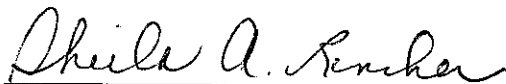
1 after United received the letter from Mr. Cunningham memorializing the parties' agreement.  
 2 Further, many of the 149 requests addressed in ANA's Motion to Compel were not addressed  
 3 during the meet and confer process. Therefore, ANA did not comply with the meet and confer  
 4 requirements of the federal and local rules prior to filing the Motion. Certainly, the parties may  
 5 have worked out additional issues if ANA had not rushed into court with its Motion to Compel.

6 4. If the Court does not strike ANA's procedurally improper Motion to Compel,  
 7 United will need additional time to compile all of the information necessary to adequately  
 8 respond and to draft its opposition papers. United has moved for an order to compel the  
 9 production of additional information responsive to 149 requests spread out over eight different  
 10 sets of discovery. After deciphering exactly what ANA is looking for, United will have to search  
 11 its files and recreate exactly what it has produced and when it produced it. This will be very  
 12 time consuming given the breadth of United's Motion. Further, a grant of additional time may  
 13 permit the parties to narrow the issues before the Court

14 **FURTHER AFFIANT SAYETH NOT.**

15  
 16   
 17 Scott Torpey

18 Subscribed and sworn to before me  
 19 this 12th day of February, 2008

20 

21 Notary Public, Wayne County, MI

SHEILA A. RENCHER

22 My Commission Expires:

Notary Public, Wayne County, MI  
 My Commission Expires April 20, 2008

23 Acting in Oakland County, MI  
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